

### REMARKS

In response to the Office Action mailed on March 14, 2005, Applicants respectfully request reconsideration. Claims 1-26 are now pending in this Application. Claims 1, 10, 12, 21 and 23-25 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 3, 10,-12, 14, 21 and 23-26 have been amended and claim 26 has been added. A version of the claims containing markings to show the changes made is included hereinabove. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

### Objections

The Examiner objected to claim 11 as depending from itself. Claim 11 has been amended to depend from independent claim 10. Accordingly, the objection to claim 11 is believed to have been overcome.

### Rejections under §102

Claims 1-5, 7-16 and 18-25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent application Publication No. 2002/0112036 A1 by Bohannon et al. (hereinafter Bohannon) which discloses a method and apparatus for discovering client proximity.

Claim 1 of the present application has been amended to recite the limitation wherein the transmit identifier includes a timestamp reflecting the arrival time of the client request. This is supported in the specification as filed at page 5, lines 18-20 which states:

In an example embodiment of the invention, upon receipt of a request for content from a client, a main server timestamps the arrival time of a client request for content. The timestamp serves as a basis for a transmit identifier that can be used later by one or more slave servers to know when to initiate delivery of a content response to the requesting client.

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Accordingly, the timestamp of amended claim 1 reflects the arrival time of the request only, and not any time spent processing the request.

In contrast to amended claim 1, Bohannon fails to disclose or suggest a timestamp reflecting an arrival time of the client request. With respect to 3, the Examiner stated that Bohannon discloses obtaining a time stamp associated with the client request at paragraph 133, lines 1-3. A careful review of paragraph 133 of Bohannon reveals a response which is tunneled via a site selector protocol along with the exact time the receiving site selector sends the message. Thus, the timestamp of Bohannon reflects when the response is sent, which includes the time taken to process the request, not when the client request was received, as recited in amended claim 1.

Accordingly, since amended claim 1 recites use of a timestamp which reflects when the request is received, whereas Bohannon recites a response which is tunneled via a site selector protocol along with the exact time the receiving site selector sends the message, claim 1 is believed patentable over Bohannon. Claims 10, 12, 21 and 23-25 have been amended in a similar fashion as claim 1 and are believed allowable for the same reasons as claim 1. Claims 3 and 14 have been amended to recite additional limitations of claim 1 and 12. Claims 2-5, 7-9, 11, 13-16, 18-20, and 22 depend from claims 1, 10, 12 or 21 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 1-5, 7-16 and 18-25 under 35 U.S.C. §102(e) as being anticipated by Bohannon is believed to have been overcome.

#### Rejections under §103

The Examiner rejected claims 6 and 17 under 35 U.S.C. §103(a) as being unpatentable over Bohannon in view of U.S. Patent No. 6,453,356 to Sheard et al. (hereinafter Sheard). Claims 6 and 17 depend from claims 1 or 12 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 6 and 17 under 35 U.S.C. §102(e)

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as being anticipated by Bohannon in view of Sheard is believed to have been overcome.

New Claims

Claim 26 has been added. Claim 26 depends from claim 1 and is believed allowable as it depends from a base claim which is believed allowable.

Applicants submit that no new matter has been added.

Conclusion

In view of the above, the Examiner's objections and rejections are believed to have been overcome, placing claims 1-26 in condition for allowance and reconsideration and allowance thereof is respectfully requested.

If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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